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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,780	09/07/2004	Javier Eduardo Pursall	6643/002	8515

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EXAMINER

HORTON, YVONNE MICHELE

ART UNIT PAPER NUMBER

3635

DATE MAILED: 11/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/500,780	Applicant(s) PURSALL ET AL.	
	Examiner Yvonne M. Horton	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 1-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-15, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 16-18 and 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/14/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use

Art Unit: 3635

thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

The spacing of the lines of the specification is such as to make reading difficult.

New application papers with lines 1½ or double spaced on good quality paper are required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 9-15, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 84/03321 in view of US Patent #4,587,704 to BENNETT et al. Regarding claims 1 and 19, WO 84/03321 discloses a flooring tile including a resilient base (2) and a plurality of wooden blocks (1) disposed thereon to define a plurality of slots (SL), see attached. WO 84/03321 discloses the basic claimed flooring tile except for explicitly detailing that the resilient base is rubber. BENNETT et al. teaches that it is known in the art to dispose a plurality of flooring tiles on a rubber base (16). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the resilient base of WO 84/03321 out of rubber, as taught by BENNETT et al., in order to create a floor that is capable of flexing in response to use an external conditions imposed thereon. Regarding claims 10 and 12, the rubber base (16) is flexible and grips a sub-floor. In reference to claims 11 and 14, the slots are inverted wedge-shaped and define an anti-skid surface. Regarding claim 13, the block shape is square. In reference to claim 15, the base 92) of WO 84/03321 includes a plurality of edges (5). Regarding claim 20, the tile is flat.

Allowable Subject Matter

Claims 16-18 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

Art Unit: 3635

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (571) 272-6845. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Naoko Slack can be reached on (571) 272-6848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Yvonne M. Horton
Examiner
Art Unit 3635

11/27/06

PCT

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Bureau international

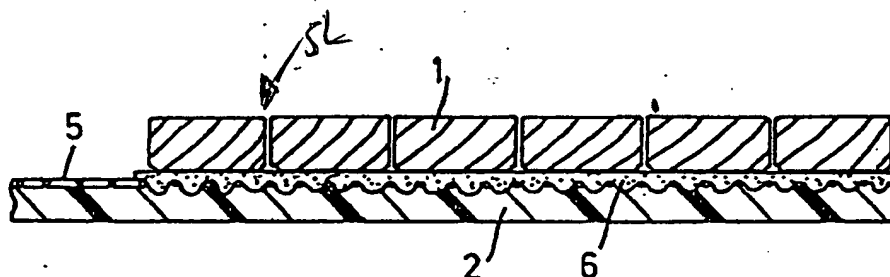


DEMANDE INTERNATIONALE PUBLIÉE EN VERTU DU TRAITE DE COOPERATION EN MATIÈRE DE BREVETS (PCT)

<p>(51) Classification internationale des brevets³ : E04F 15/022, 15/16, 15/22</p>	<p>A1</p>	<p>(11) Numéro de publication internationale: WO 84/ 03321 (43) Date de publication internationale: 30 août 1984 (30.08.84)</p>
<p>(21) Numéro de la demande internationale: PCT/BE84/00004 (22) Date de dépôt international: 24 février 1984 (24.02.84) (31) Numéros des demandes prioritaires: 0/210213 0/212111 (32) Dates de priorité: 25 février 1983 (25.02.83) 23 décembre 1983 (23.12.83) (33) Pays de priorité: BE (71)(72) Déposant et inventeur: GUILMIN, Edouard, Georges, Paul [BE/BE]; Clos du Drossart 6, Boîte 18, B-1180 Bruxelles (BE). (74) Mandataire: DE BRABANTER, Maurice; Bureau Van- der Haeghen, Avenue de la Toison d'Or, 63, B-1060 Bruxelles (BE).</p>		<p>(81) Etats désignés: AT (brevet européen), BE (brevet européen), CH (brevet européen), DE (brevet européen), FR (brevet européen), GB (brevet européen), JP, LU (brevet européen), NL (brevet européen), SE (brevet européen), US. Publiée <i>Avec rapport de recherche internationale.</i> <i>Avec revendications modifiées.</i></p>

(54) Title: **METHOD FOR MAKING A PARQUET FROM END GRAIN WOOD BLOCKS**

(54) Titre: **PROCEDE POUR CONFECTIONNER UN PARQUET A PARTIR DE BLOCS DE BOIS DE BOUT**



(57) Abstract

A parquet is made from end grain wood blocks (1) which are fixed to a resilient slab (2) by gluing the lower face (4) of each of the blocks by means of an elastic glue (6). The edges in contact with the support are softened so as to avoid tearing the support and the edges on the facing side are bevelled to conceal the possible interstices between adjacent blocks and obtain a surface continuity effect. Prefabricated laying elements are obtained by assembling the blocks on an adhesive width cut to the required dimensions and applied to the facing side.

(57) Abrégé

On confectionne un parquet à partir de blocs de bois (1) que l'on fixe sur une semelle élastique (2), en collant la face inférieure (4) de chacun des blocs à l'aide d'une colle élastique (6). On adoucit les arêtes en contact avec le support afin d'éviter les déchirures de ce dernier et on biseaute les arêtes de la face de parement pour dissimuler les interstices éventuels entre blocs adjacents et procurer un effet de continuité de surface. Des éléments de pose préfabriqués sont obtenus par assemblage de blocs sur un lé adhésif découpé aux dimensions requises et appliqué éventuellement sur la face de parement.